

ENTERED

July 29, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

CHESTER LOWE HUFF,

Plaintiff,

VS.

DR. BELAL BAKIR, *et al.*,

Defendants.

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CIVIL ACTION NO. 3:12-CV-135

ORDER

Plaintiff Chester Lowe Huff (TDCJ #00582855) is a state inmate incarcerated in the Texas Department of Criminal Justice - Correctional Institutions Division ("TDCJ"). Huff is suing three doctors who, while employed by the University of Texas Medical Branch ("UTMB"), allegedly denied him adequate medical care related to an eye infection, resulting in extreme pain and serious complications. The claims against those doctors were transferred to this Court by the Corpus Christi Division, which dismissed the remainder of Huff's complaint as frivolous and for failure to state a claim (Southern District of Texas Case Number 2:12-CV-43 at Dkt. 15).

The Texas Attorney General has, at the Court's request, provided a *Martinez* report¹ and requested that the Court seal it. The Attorney General's motion to seal (Dkt. 82) is **GRANTED**.

¹ *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1987); *see also Cay v. Estelle*, 789 F.2d 318, 323 & n.4 (5th Cir. 1986) (discussing the utility of a *Martinez* report).

The Attorney General served Huff with a copy of the *Martinez* report. Because the *Martinez* report contains legal arguments; refers to exhibits and matters outside the pleadings; and sets forth expert opinions regarding the care provided to Huff, the Court converts that report to a motion for summary judgment under Federal Rule of Civil Procedure 56 and **ORDERS** Huff to file any response by **September 1, 2016**. The Attorney General shall file any reply by **September 15, 2016**.

The Clerk will provide a copy of this order to the parties and to counsel for *amicus curiae*, the Office of the Texas Attorney General.

SIGNED at Galveston, Texas, on July 29, 2016.

George C. Hanks, Jr.
GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE